

# **EXHIBIT 24**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4           IN RE NATIONAL PRESCRIPTION     | MDL No. 2804  
5   |  
6           OPIATE LITIGATION                | Case No. 17-MD-2804  
7   |  
8           APPLIES TO ALL CASES             | Hon. Dan A. Polster

9   - - -

10                   Tuesday, April 23, 2019

11   - - -

12                   HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
13                   CONFIDENTIALITY REVIEW

14   - - -

15                   VIDEOTAPED DEPOSITION of MATTHEW PERRI, III,  
16           BS Pharm, Ph.D., RPh, held at Jones Day,  
17           1420 Peachtree Street, N.E., Suite 800, Atlanta,  
18           Georgia, commencing at 9:28 a.m., on the above date,  
19           before Susan D. Wasilewski, Registered Professional  
20           Reporter, Certified Realtime Reporter and Certified  
21           Realtime Captioner.

22   - - -

23                   GOLKOW LITIGATION SERVICES  
24                   877.370.3377 ph | 917.591.5672 fax  
25                   deps@golkow.com

1 CROSS-EXAMINATION

2 BY MS. RODGERS:

3 Q. Good afternoon, Dr. Perri. My name is Megan  
4 Rodgers. We met before the deposition began this  
5 morning. I'm with the law firm Covington & Burling,  
6 and I'm representing McKesson.

7 A. Okay.

8 Q. You're aware that there are several  
9 wholesale distributors in this case, right?

10 A. Yes, I am.

11 Q. Okay. And when I use the phrase "wholesale  
12 distributors," you understand I'm referring to  
13 McKesson, AmerisourceBergen, and Cardinal, right?

14 A. Are you limiting it to just those three?

15 Q. Can we agree that I'm -- yeah.

16 A. Okay.

17 Q. I'm referring to those three.

18 Were you asked to consider whether you had  
19 any opinions with respect to McKesson?

20 A. With respect to McKesson by itself?

21 Q. Yes.

22 A. No.

23 Q. Okay. Were you asked to consider whether  
24 you had any opinions with respect to Cardinal?

25 A. Not -- none of the defendants independently.

1       They're all -- the opinions are all based on a  
2       collective assessment.

3       Q.     Okay.  So you have no opinions in this case  
4       regarding specifically McKesson?

5       A.     None that are related to McKesson only.

6       Q.     Okay.  And you have no opinions related  
7       specifically to Cardinal?

8       A.     Same -- nothing is -- while the opinions  
9       apply to each of the wholesaler defendants, none of  
10      the opinions are specifically singling them out as a  
11      particular defendant regarding that opinion.

12      Q.     Okay.  And the same is true for  
13      AmerisourceBergen?

14      A.     Yes.

15      Q.     Okay.  Were you asked to produce materials  
16      produced by those wholesale distributors?

17      A.     So, yes, there were -- there were wholesale  
18      documents -- wholesaler documents that were provided  
19      to me, as well as some that I searched for in the  
20      Relativity database.

21      Q.     Okay.  And what was the volume of the  
22      materials that --

23      A.     The -- as I recall, the largest share of the  
24      distributor documents were contracting documents  
25      and, for example, documents specifying purchasing

1 MR. CHALOS: Object to the form.

2 A. Yes, that's right.

3 Q. And that same position in the supply chain  
4 makes them integral to the distribution of insulin  
5 the same way that they're integral to the  
6 distribution of opioids?

7 MR. CHALOS: Object to the form.

8 A. That's true, yes.

9 Q. Okay. And it's not your opinion, correct,  
10 that the distributors are integral because of any  
11 advertising that they did?

12 MR. CHALOS: Object to the form.

13 A. So the -- my assessment of the distributor  
14 advertising that I refer to in the report is that,  
15 as expected, the distributor advertising focused  
16 primarily on price, quality, availability, special  
17 deals, stocking, and incentive-type advertising.  
18 And on -- only on rare occasion did it affect -- did  
19 it -- did it require a package insert or any product  
20 information to be distributed.

21 So the reason that I believe that  
22 wholesalers are integral to that process is because  
23 of that function and that they did communicate  
24 messages that were important to know in the  
25 marketplace; for example, which generic immediate

1 release oxycodone product can be purchased at the  
2 best price, so the pharmacy can function more  
3 efficiently, those kind of messages.

4 I did not notice -- I did not see documents  
5 that the wholesale distributors distributed  
6 marketing messages beyond that, with few exceptions.  
7 For example, in one instance -- and I'd have to look  
8 in the report to get the specific details on this --  
9 a book was distributed through -- I believe it was  
10 Cardinal. And that book did carry with it unbranded  
11 marketing messages.

12 So, again, the primary messages, the vast  
13 majority of the messages were product, price,  
14 availability, quality. And then there were some  
15 instances where it extended slightly beyond that in  
16 distribution of information.

17 Q. Okay. And so when we talk about the bulk of  
18 the -- what you refer to as advertising or the  
19 provision of information about, you know, price and  
20 product availability, when you look at what you're  
21 saying in Paragraph 184 here and you talk about  
22 distributors being integral to the defendants'  
23 marketing of opioids, that's not what you're talking  
24 about? You're not talking about the provision of  
25 information about price and availability, right?